

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

IN RE:

Damond & Sharae Durant,
Debtors.

Case No.:17-2023218336
Chapter 13

* * * * *

DEBTORS' RESPONSE TO MOTION TO DISMISS FOR ABUSE

Debtors, by and through under-signed counsel, respond to the *Motion to Dismiss for Abuse* filed by the United States Trustee and state:

1. Admit.
2. Admit.
3. Admit.
4. Deny. *See*, Doc. 18, Pt. 6, Line 16.
5. Admit.
6. Admit.
7. No response required.
8. Admit. Another fundamental purpose is to provide a fresh start to an honest but unfortunate debtor. *Local Loan Co. V Hunt*, 292 U.S. 234, 244 (1934).
9. Deny.
10. Admit.
11. Admit.
12. Admit.
13. Deny.
14. Admit.
15. Deny. The bulk of the Debtor's scheduled debt is subject to a non-dischargeability action under 11 U.S.C. §523.
16. The arithmetic is correct.
17. Admit.
18. Denied. Debtors demand strict proof thereof.
19. Deny. It is necessary and appropriate for Debtors to provide for their own retirement. *In re Cantu*, 553 BR 565, 576 (Bkrcy. EDVA (2016)).
20. The arithmetic is correct.
21. No response required.
22. Admit.
23. Deny. The car payments are well within Debtors' means. While the payments might be extravagant for those earning lesser wages, they are entirely appropriate to the income of these Debtors.
24. Admit.
25. Debtors admit that some courts have found "excessive" car payments to be abuse, but deny that their payments are excessive in light of their income.
26. Debtors deny their car payments are excessive.
27. The arithmetic is correct.
28. Denied. Debtors demand strict proof thereof.
29. No response required.
30. Debtors also consent to entry of a final order by a bankruptcy judge.

WHEREFORE, the Debtor respectfully requests that this Honorable Court deny the *Motion to Dismiss for Abuse* and grant such other and further relief as this Court may deem appropriate.

Respectfully submitted,

Date: November 27, 2017

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 27th day of November, 2017, a copy of the foregoing *Debtor's Response To Motion to Dismiss*, was delivered by electronic means to:

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/s/

Jeffrey M. Sirody, Esquire